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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,780	07/10/2003	Ronald C. Chimenti	650411.90030	1982

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EXAMINER

GREEN, BRIAN

ART UNIT	PAPER NUMBER
3611	

DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/616,780	Applicant(s) CHIMENTI ET AL.	
	Examiner Brian K. Green	Art Unit 3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
 4a) Of the above claim(s) 9-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-8, drawn to a card, classified in class 40, subclass 124.12.
- II. Claims 9-16, drawn to a method of making a card, classified in class 29, subclass 428.

The inventions are distinct, each from the other because of the following reasons:

Inventions I. and II. are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product as claimed can be made by another and materially different process such as providing a first sheet, bonding a second sheet which is less than one third the width of the first sheet to the first sheet, bonding a third sheet which is less than one third the width of the first sheet to the first sheet and spaced apart from the second sheet, and bonding a fourth sheet which is less than one third the width of the first sheet to the first sheet and spaced apart from the third sheet, wherein the space between the second and third sheet form a first hinge and the space between the third and fourth sheet form a second hinge.

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Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

During a telephone conversation with Adam Forman on Aug. 11, 2004 a provisional election was made with traverse to prosecute the invention of Group I, claims 1-8. Affirmation of this election must be made by applicant in replying to this Office action. Claims 9-16 have been withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the enamel defined in claim 7 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency.

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Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities: on page 4, paragraphs 0016-0018 are confusing since the applicant states that the center rectangular panel is panel 14 as shown in figures 2 and 3 but figure 3 shows that the center panel is panel (12)..

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boone (U.S. Patent No. 4,870,764) in view of Grimsley (U.S. Patent No. 4,890,728).

Boone shows in the figure a card comprising a first panel (2), a second panel (11), a third panel (3), a first hinge (the hinge connecting the first and second panels), a second

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hinge (the hinge connecting the first and third panel), and a transparent housing (7) extending through the first panel (2) and including a memento (9,12). Boone does not disclose making the second hinge thicker than the first hinge. Grimsley shows in figures 2 and 3 a second hinge (20) which is thicker than a first hinge (18). In view of the teachings of Grimsley it would have been obvious to one in the art to modify Boone by making the second hinge thicker than the first hinge since this would allow for the additional thickness of the first and second panels to be accommodated which is taught to be desirable by Grimsley, column 4, lines 15-22. In regard to claim 2, the memento of Boone would be viewable when the card is closed. In regard to claim 3, the housing extends farther out on the exterior surfaces than the interior surface, see the figure. In regard to claim 4, Boone shows that the panels are generally rectangular. In regard to claim 8, Boone shows in the figure that the lateral edge of the second panel would be proximal the second hinge when the second panel is closed.

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boone (U.S. Patent No. 4,870,764) in view of Grimsley (U.S. Patent No. 4,890,728) as applied to claim 1 above and further in view of Wood (U.S. Patent No. 5,911,522).

Boone in view of Grimsley disclose the applicant's basic inventive concept except for forming the card from a laminated sheet that includes three sheets. Wood shows in figures 5-7 a card that includes a first sheet (26), a third sheet (30,32), and a second sheet (28). In view of the teachings of Wood it would have been obvious to one in the art to modify Boone by making the card from three laminated sheets since this would create a

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more durable card. In regard to claim 6, Wood shows in figures 6 and 7 the idea of using cuts in the first and third sheets to form hinges.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boone (U.S. Patent No. 4,870,764) in view of Grimsley (U.S. Patent No. 4,890,728) and Wood as applied to claim 5 above and further in view of Ivicic (U.S. Patent No. 5,979,942).

Boone in view of Grimsley and Wood disclose the applicant's basic inventive concept except for placing an enamel on the first and second sheets. Ivicic discloses on column 3, lines 24-28, the idea of placing an enamel onto the panels of a greeting card. In view of the teachings of Ivicic it would have been obvious to one in the art to modify Grimsley by placing an enamel onto the first and second panels since this would create more aesthetically pleasing display, i.e. enamel paint.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Smoczynski, Boisvert, Lithwick, Faiola et al., and Warriner, Jr. teach the use of cards that include transparent holders.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian K. Green whose telephone number is (703) 308-1011. The examiner can normally be reached on M-F 7am-3:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (703) 308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


BRIAN K. GREEN
PRIMARY EXAMINER

Bkg
Aug. 23, 2004